



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF OCTOBER 22, 2001

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#01-139 Construction Protective Services, Inc. v. TIG Specialty Ins. Co., S099647. (B142811; 90 Cal.App.4th 149.) Petition for review after the Court of Appeal reversed an order dismissing a civil action. This case includes the issue of whether a liability insurer has a duty to defend its insured when the insured has brought an action for damages against a third party, and the third party, in an answer to the insured's complaint, raises an affirmative defense asserting that the third party is entitled to an offset for damages that allegedly are owed to the third party by the insured.

#01-140 Department of Rehabilitation v. Workers' Comp. Appeals Bd., S100557. (D035665; unpublished opinion.) Petition for review after the Court of Appeal annulled a decision of the board. This case concerns (1) whether a worker who has been awarded ongoing medical treatment for a work-related injury is entitled to receive, under Labor Code § 4600, temporary disability indemnity for the time the employee must take off from work to receive such medical treatment, and (2) whether an employer unlawfully discriminates against such an injured employee, in violation of Labor Code § 132a, by requiring the employee to use sick leave or vacation time in order to be compensated for absences attributable to such medical treatment.

(over)

#01-141 In re Jaquan W., S100745. (F038422; unpublished opinion.) Petition for review after the Court of Appeal denied an application for appointment of counsel. This case concerns whether an indigent parent is entitled to appointment of counsel on appeal from a judgment terminating parental rights if the minor child is not a dependent child of the juvenile court. (See Fam. Code, § 7895.)

#01-142 Korea Supply Co. v. Lockheed Martin Corp., S100136. (B136410; 90 Cal.App.4th 902.) Petition for review after the Court of Appeal reversed a judgment dismissing a civil action. This case concerns (1) whether, when an entity allegedly has prevailed in a bid competition for a contract by unlawful means, the agent of an unsuccessful bidder on the contract may bring an action against the wrongdoing entity under the California Unfair Competition Law (Bus. & Prof. Code, § 17200 et seq.) to obtain “restitution” based upon the commission the agent would have earned if its principal had been successful in obtaining the contract, and (2) whether, in this factual setting, the agent may bring an action against the wrongdoing entity for intentional interference with prospective economic advantage.

#01-143 People v. Posey, S100360. (A090989; unpublished opinion.) Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case includes the issue of whether a criminal prosecution for sale of an unlawful drug may properly be brought and tried, under the venue provisions of Penal Code section 781, in a county into which the defendant allegedly made a telephone call and engaged in telephone negotiations related to the drug transaction, when the sale of the drug took place in another county.

#01-144 Robert L. v. Superior Court, S100359. (G027381; 90 Cal.App.4th 1414.) Petition for review after the Court of Appeal granted a petition for a peremptory writ of mandate. This case concerns whether Penal Code section 186.22, subdivision (d), as amended by the Gang Violence and Juvenile Crime Prevention Initiative (Prop. 21, Primary Elec. (Mar. 7, 2000)), applies to any misdemeanor and any felony committed for the benefit of a criminal street gang, or only to those crimes expressly punishable either as a felony or as a misdemeanor.

#01-145 Seaton on Habeas Corpus, S067491. In this case, which is related to the automatic appeal in People v. Seaton, 26 Cal.4th 598, the court issued an order to show cause limited to the procedural issue of whether claims alleging discriminatory charging and underrepresentation of minorities on the jury venire may be raised on habeas corpus when the claims could have been, but were not, raised at trial.

#01-146 People v. Ramirez, S100317. (A090876; 90 Cal.App.4th 1302.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Johnson, S097755 (#01-88), which concerns whether the trial court properly required, as a condition of probation, that defendant waive all presentence credits that would accrue under Penal Code section 2900.5 while he awaited placement in a residential treatment program and credits he might earn while in the program.

DISPOSITIONS

#00-148 Whitfield v. Heckler & Koch, Inc., S091584, was dismissed and remanded to the Court of Appeal.